

# RECLAMATION

*Managing Water in the West*

## DRAFT FINDING OF NO SIGNIFICANT IMPACT

# Poso Creek Water Company, LLC Execution of Temporary Water Service Contract and Banking and Exchange of Section 215 Water at Semitropic Water Storage District

FONSI-08-26

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# Poso Creek Water Company, LLC Execution of Temporary Water Service Contract and Banking and Exchange of Section 215 Water at Semitropic Water Storage District

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation) has determined that the approval of the groundwater banking, recovery and exchange as well as the execution of a temporary water service contract is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA) Number EA-08-26, *Poso Creek Water Company, LLC Execution of Temporary Water Service Contract and Banking and Exchange of Section 215 Water at Semitropic Water Storage District*, and is hereby incorporated by reference.

## Background

Reclamation has determined that unusually large water supplies may result from winter hydrology in some years such that future restricted storage capacity in Millerton Lake may create a non-storable supply of water pursuant to Section 215 of the Reclamation Reform Act of 1982 (Section 215 water.) This water supply may be offered to non-Central Valley Project contractors via temporary water service contracts.

Poso Creek Water Company, Limited Liability Corporation (LLC) [a California Mutual Water Company "Poso Creek, LLC"] has entered into a long-term banking agreement with Semitropic Water Storage District (Semitropic), dated April 23, 2007, in which Poso Creek, LLC is a full banking partner invested at 60,000 acre-feet (AF) of guaranteed storage capacity in the Semitropic water bank. The term of this agreement runs through December 31, 2035.

Poso Creek LLC desires to maximize the beneficial use of Section 215 water by storing these supplies when available. The purpose of the Proposed Action is to allow Poso Creek, LLC to bank Section 215 water supplies for future delivery to meet crop demands during the next water supply shortage. Banking will maximize Poso Creek LLC's beneficial use of these Section 215 water supplies and improve their water supply reliability.

Reclamation proposes to approve execution of a series of one-year temporary Poso Creek, LLC water service contracts over a period of 17 years for receipt of up to 15,000 AF of Section 215 water from the Friant Division; the banking of the Section 215 water by Poso Creek, LLC at Semitropic; and the recovery of the banked water via an exchange. The Proposed Action does not include the buildout of the Stored Water Recovery Unit (SWRU) within Semitropic. Therefore, the EA did not analyze the effects of banking water in the SWRU of the Semitropic's water bank, because no water from this Proposed Action can be stored in that unit.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

## **FINDINGS**

### **Water Resources**

The Proposed Action improves Poso Creek, LLC's water supply reliability and operational efficiency, especially during critically dry hydrologic years. The proposed delivery of CVP water to Semitropic and the subsequent banking and return via exchange to Poso Creek, LLC will occur through existing SWP, CVP, Semitropic, and Westlands Water District facilities. Poso Creek, LLC will not overburden other water resources to make this water available for banking. No new facilities will be needed as a result of the Proposed Action. The Proposed Action will not interfere with the normal operations of the SWP or CVP facilities, nor will it impede any SWP or CVP obligations to deliver water to other contractors or to local fish and wildlife habitat. Furthermore, the Proposed Action will not alter the quantity or timing of diversions from the Sacramento-San Joaquin Bay Delta. Neither Poso Creek, LLC nor any CVP or SWP water user will be changing historic land and water management practices as a result of the Proposed Action. Therefore, the Proposed Action will cause no significant impacts to surface water resources.

### **Groundwater Resources**

The Proposed Action will provide water to Poso Creek, LLC in water short years, and therefore reduce the need to pump groundwater in order to supplement potential shortages. Poso Creek, LLC will not be pumping groundwater to make the CVP water available for banking. The CVP supply Poso Creek, LLC desires to bank is in excess of their immediate needs and is flood flows in excess of the needs of the Friant Division.

The delivery of up to 15,000 AF of CVP water to Semitropic for in-lieu recharge will help protect the local aquifer from overdraft in the interim period and the majority of the 10 percent loss will be permanently left within the groundwater basin. Therefore, the Proposed Action will cause no significant impacts to groundwater water resources.

### **Land Use**

Neither Poso Creek, LLC nor Semitropic are changing historic land and water management practices as a result of the Proposed Action. All water will move through existing facilities and be placed on established agricultural lands. None of the banked water will be used to place any untitled or new lands into production, or to convert undeveloped land to other uses. Poso Creek, LLC will not promote additional land to be farmed. Any water that is delivered to Poso Creek, LLC as a result of this project will be used on established agricultural lands to help offset the annual water supply shortage faced by Poso Creek, LLC and hence, reduce the annual amount of groundwater pumped or reduce annual transfers from other sources. Therefore, the Proposed Action is not expected to cause significant environmental impacts related to land use changes.

## **Biological Resources**

The water delivered to Poso Creek, LLC's members' lands in WWD will be used to irrigate almond and pistachio orchards and row crop lands that would be already in cultivation. No new facilities will be required to bring the water to these locations, and no native or untilled lands will be brought into production by the Proposed Action. Orchards provide some habitat for the San Joaquin kit fox, but the habitat quality is relatively poor, and will not be affected by the Proposed Action. Within WWD boundaries, none of the records from the California Natural Diversity Database are within the boundaries of the lands to which the water will be applied.

The Proposed Action involves only banking within existing Semitropic Banking Program facilities. The Proposed Action is unrelated to the construction, operation, or maintenance of the Stored Water Recovery Unit and the Stored Water Recovery Unit facilities may not be used for any aspect of the Proposed Action. There will be no interrelated or interdependent relationship between the Section 215 water Poso Creek, LLC will provide to Semitropic and the Stored Water Recovery Unit, and therefore, there will be no effects to biological resources associated with the Proposed Action as a result of any future construction or operation of the Stored Water Recovery Unit.

Based on the above effects analysis, Reclamation has determined that the Proposed Action will have no effect on threatened and endangered species or their designated critical habitats and no further consultation is required under Section 7 of the Endangered Species Act.

Therefore, there will be no significant impacts from the Proposed Action.

## **Cultural Resources**

The conveyance of CVP water will not harm any cultural resources. It will be conveyed in existing facilities and canals to established agricultural land. No excavation or construction is required to convey the water and no untilled land will be cultivated with this water.

Consequently, the undertaking is not a type of activity with the potential to affect cultural resources eligible to the National Register of Historic Places. Therefore there will be no significant impacts from the Proposed Action.

## **Indian Trust Assets**

There are no tribes possessing legal property interests held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action, therefore Indian trust assets are not affected by this action.

## **Socioeconomic Resources**

The return delivery of CVP water to Poso Creek, LLC will provide water to the area in water short years and will help sustain existing croplands in Poso Creek, LLC. Businesses rely on these crops to maintain jobs. The Proposed Action will not induce population growth within Poso Creek, LLC, nor will seasonal labor requirements change. Agriculturally dependent businesses will not be affected by the Proposed Action. No adverse effects on public health and safety will occur. The Proposed Action will not have highly controversial or uncertain environmental effects or involve unique or unknown environmental risks. The Proposed Action

will continue to support the economic vitality in the region. Semitropic and Poso Creek, LLC are responsible for managing water for the benefit of agriculture, since they exist to support growers within their respective districts. Maximizing the use of operational exchanges is beneficial to local economic conditions and agricultural employment. There will be no significant impacts from the Proposed Action.

### **Environmental Justice**

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action will not disproportionately impact economically disadvantaged or minority populations. No significant impacts relevant to Environmental Justice are anticipated because the Proposed Action does not include any construction or development of CVP facilities, or any change in operations that will affect the general public.

### **Air Quality**

Under the Proposed Action, a series of one-year temporary water service contracts will be executed with Poso Creek, LLC, for up to 15,000 AF of water annually. Electric pumps will be used to convey this water. These pumps will not emit pollutants at the pump; the source of the pollutants originates at the power plant. Power plants are permitted based on their maximum operating potential. The additional electricity will not result in the power plant exceeding operating capacity, and, thus, the applicable emissions permit. A majority of power is derived from fossil fuel combusted at power plants to generate electricity.

In summary, the Proposed Action will not cause an adverse impact to air quality in the San Joaquin Valley Air Basin or exceed applicable standards. Therefore, will be no significant impacts to air quality from the Proposed Action.

### **Climate Change**

The Proposed Action is the approval of the execution and implementation of a series of one-year temporary water service contracts over a period of 17 years, through 2026, pursuant to Section 215 of the RRA with Poso Creek, LLC for up to 15,000 AF of water annually. The Proposed Action does not include any change on the composition of the atmosphere and, therefore, will have no direct effects on changes in climate.

### **Cumulative Impacts**

The Proposed Action will allow Poso Creek, LLC to bank available temporary flood flows for future delivery to meet crop demands during years of insufficient water supply. This Proposed Action will reduce Poso Creek, LLC dependence upon groundwater resources during hydrologic years when the banked water is returned. The proposed action has no known adverse cumulative impacts on the environment when considered with other past, present, or reasonably foreseeable future actions. Approval will not have highly controversial or uncertain environmental effects or involve unique or unknown environmental risks. Approval of the Proposed Action is not related to other actions with individually minor but cumulatively significant environmental effects